



General Assembly

February Session, 2010

Governor's Bill No. 34

LCO No. 448

00448_____

Referred to Committee on Judiciary

Introduced by:

SEN. MCKINNEY, 28th Dist.

REP. CAFERO, 142nd Dist.

AN ACT CONCERNING COMPUTER CRIMES AGAINST CHILDREN.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-90a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) A person is guilty of enticing a minor when such person uses an
4 interactive computer service to knowingly persuade, induce, entice or
5 coerce any person under sixteen years of age to (1) engage in
6 prostitution or sexual activity for which the actor may be charged with
7 a criminal offense, or (2) display such person's intimate parts through
8 the use of a digital camera capable of downloading still or video
9 images to a computer for transmission over the Internet or through the
10 use of other available technology, or engage in a sexual act through the
11 Internet or by telephone. For purposes of this section, "interactive
12 computer service" means any information service, system or access
13 software provider that provides or enables computer access by
14 multiple users to a computer server, including specifically a service or
15 system that provides access to the Internet and such systems operated

16 or services offered by libraries or educational institutions.

17 (b) (1) Except as provided in subdivision (2) of this subsection,
18 enticing a minor is a class D felony for a first offense, a class C felony
19 for a second offense and a class B felony for any subsequent offense.

20 (2) Enticing a minor is a class B felony if the victim of the offense is
21 under thirteen years of age and any person found guilty of such class B
22 felony shall, for a first offense, be sentenced to a term of imprisonment
23 of which five years of the sentence imposed may not be suspended or
24 reduced by the court and, for any subsequent offense, be sentenced to
25 a term of imprisonment of which ten years of the sentence imposed
26 may not be suspended or reduced by the court.

27 Sec. 2. Section 54-47aa of the general statutes is repealed and the
28 following is substituted in lieu thereof (*Effective October 1, 2010*):

29 (a) For the purposes of this section:

30 (1) "Basic subscriber information" means: (A) Name, (B) address, (C)
31 local and long distance telephone connection records or records of
32 session times and durations, (D) length of service, including start date,
33 and types of services utilized, (E) telephone or instrument number or
34 other subscriber number or identity, including any assigned Internet
35 protocol address, and (F) means and source of payment for such
36 service, including any credit card or bank account number;

37 (2) "Call-identifying information" means dialing or signaling
38 information that identifies the origin, direction, destination or
39 termination of each communication generated or received by a
40 subscriber or customer by means of any equipment, facility or service
41 of a telecommunications carrier;

42 (3) "Electronic communication service" means "electronic
43 communication service" as defined in 18 USC 2510, as amended from
44 time to time;

45 (4) "Law enforcement official" means the Chief State's Attorney, a
46 state's attorney, an inspector with the Division of Criminal Justice, a
47 sworn member of the Division of State Police within the Department of
48 Public Safety or a sworn member of an organized local police
49 department;

50 (5) "Remote computing service" means "remote computing service"
51 as defined in section 18 USC 2711, as amended from time to time; and

52 (6) "Telecommunications carrier" means "telecommunications
53 carrier" as defined in 47 USC 1001, as amended from time to time.

54 (b) A law enforcement official may request an ex parte order from a
55 judge of the Superior Court to compel (1) a telecommunications carrier
56 to disclose call-identifying information pertaining to a subscriber or
57 customer, or (2) a provider of electronic communication service or
58 remote computing service to disclose basic subscriber information
59 pertaining to a subscriber or customer. The judge shall grant such
60 order if the law enforcement official states a reasonable and articulable
61 suspicion that a crime has been or is being committed or that exigent
62 circumstances exist and such call-identifying or basic subscriber
63 information is relevant and material to an ongoing criminal
64 investigation. The order shall state upon its face the case number
65 assigned to such investigation, the date and time of issuance and the
66 name of the judge authorizing the order. The law enforcement official
67 shall have any ex parte order issued pursuant to this subsection signed
68 by the authorizing judge within forty-eight hours or not later than the
69 next business day, whichever is earlier.

70 (c) A telecommunications carrier shall disclose call-identifying
71 information and a provider of electronic communication service or
72 remote computing service shall disclose basic subscriber information
73 to a law enforcement official when an order is issued pursuant to
74 subsection (b) of this section.

75 (d) Not later than forty-eight hours after the issuance of an order

76 pursuant to subsection (b) of this section, the law enforcement official
77 shall deliver in person or mail notice of the issuance of such order to
78 the subscriber or customer whose call-identifying information or basic
79 subscriber information is the subject of such order, except that such
80 notification may be delayed for a period of up to ninety days upon the
81 execution of a written certification of such official to the judge who
82 authorized the order that there is reason to believe that notification of
83 the existence of the order may result in (1) endangering the life or
84 physical safety of an individual, (2) flight from prosecution, (3)
85 destruction of or tampering with evidence, (4) intimidation of potential
86 witnesses, or (5) otherwise seriously jeopardizing the investigation.
87 The law enforcement official shall maintain a true copy of such
88 certification. During such ninety-day period, the law enforcement
89 official may request the court to extend such period of delayed
90 notification. Such period may be extended beyond ninety days only
91 upon approval of the court.

92 (e) A telecommunications carrier or provider of electronic
93 communication service or remote computing service that provides
94 information pursuant to an order issued pursuant to subsection (b) of
95 this section shall be compensated for the reasonable expenses incurred
96 in providing such information.

97 (f) Any telecommunications carrier or provider of electronic
98 communication service or remote computing service that provides
99 information in good faith pursuant to an order issued pursuant to
100 subsection (b) of this section shall be afforded the legal protections
101 provided under 18 USC 3124, as amended from time to time, with
102 regard to such actions.

103 (g) Not later than January fifteenth of each year, each law
104 enforcement official shall report to the Chief State's Attorney the
105 information required by this subsection with respect to each order
106 issued pursuant to subsection (b) of this section in the preceding
107 calendar year. The Chief State's Attorney shall, based upon the reports

108 filed by each law enforcement official and not later than January thirty-
 109 first of each year, submit a report, in accordance with the provisions of
 110 section 11-4a, to the joint standing committee of the General Assembly
 111 having cognizance of matters relating to criminal law and procedure
 112 concerning orders issued pursuant to subsection (b) of this section in
 113 the preceding calendar year. The report shall include the following
 114 information: (1) The number of orders issued, (2) whether the order
 115 was directed to a telecommunications carrier, provider of electronic
 116 communication service or provider of remote computing service, (3)
 117 whether the information sought was call-identifying information or
 118 basic subscriber information, (4) the statutory offense or offenses that
 119 were the subject of the investigation, (5) the number of notifications
 120 that were delayed pursuant to subsection (d) of this section, and the
 121 reason for such delayed notification, (6) the number of motions to
 122 vacate an order that were filed, and the number of motions granted or
 123 denied, (7) the number of investigations concluded and the final result
 124 of such investigations, and (8) the status of any criminal prosecution
 125 resulting from the investigation.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2010</i>	53a-90a
Sec. 2	<i>October 1, 2010</i>	54-47aa

Statement of Purpose:

To implement the Governor's budget recommendations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]